

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JOHN RICHARD JAE,

Plaintiff

v.

SUPERINTENDENT DRAGOVICH,  
et al.

No. 1: CV-00-2123

(Judge Rambo)

(Magistrate Judge Smyser)

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FILED  
HARRISBURG  
FEB 20 2001  
MARY E. D'ANDREA  
Per DEPUTY CLERK

**DEFENDANTS' MOTION FOR ENLARGEMENT  
OF TIME TO RESPOND TO THE COMPLAINT**


Defendants respectfully request an enlargement of time to respond to plaintiff's complaint. In support of this motion, defendants assert the following:

1. The complaint in this case along with a request for waiver of service form was sent to defendants on December 19, 2000. Defendants waived service on January 25, 2001. Accordingly, pursuant to Fed.R.Civ.P. 12(a)(1)(B), a response to the complaint is due sixty (60) days after December 19, 2001, or February 20, 2001.
2. Counsel for defendants was ill on February 16, 2001, and the weekend following and was unable to complete defendants' response to the complaint.
3. Accordingly, defendants request an enlargement of time of two (2) weeks or until March 6, 2001, to respond to the complaint.

WHEREFORE, defendants respectfully request an enlargement of time of two weeks or until March 6, 2001, to respond to the complaint.

Respectfully submitted,

**D. MICHAEL FISHER**  
Attorney General

BY:   
**MICHAEL L. HARVEY**  
Senior Deputy Attorney General

**SUSAN J. FORNEY**  
Chief Deputy Attorney General  
Litigation Section

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Direct: (717) 787-7369  
Date: February 20, 2001

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CERTIFICATE OF SERVICE

AND NOW, this 20<sup>th</sup> day of February, 2001, I, MICHAEL L. HARVEY, Senior Deputy Attorney General, counsel for defendants in the above-captioned action, hereby certify that I this day served the foregoing Defendant's Motion for Enlargement of Time to Respond to the Complaint by causing a copy of the same to be deposited in the United States mail, postage prepaid, at Harrisburg, Pennsylvania, addressed to the following:

John Richard Jae, BQ-3219  
SCI-Pittsburgh  
P.O. Box 99901  
Pittsburgh, PA 15233



MICHAEL L. HARVEY  
Senior Deputy Attorney General

DATE: February 20, 2001